

script, together with such offer of proof as has been made.

(g) Samples may be displayed at the hearing and may be described for purposes of the record but shall not be admitted in evidence as exhibits.*

§ 2.708 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, shall be received and marked as exhibits in evidence. Such exhibits (including affidavits) shall, if practicable, be submitted in quintuplicate and in documentary form. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall when practicable be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.*

§ 2.709 *Oral and written arguments.* (a) Unless the presiding officer shall issue an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The presiding officer shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the page or pages of the transcript of the testimony where such evidence occurs.*

§ 2.710 *Filing the record of the hearing.* As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the Hearing Clerk. The record of the hearing shall include the transcript of the testimony, including any exhibits and together with any written arguments that may have been filed with the presiding officer.*

§ 2.711 *Copies of the record of the hearing.* The Department will make provisions for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its

own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon application to the Hearing Clerk and upon payment of the costs thereof. Suggested corrections to transcripts of the testimony shall be considered only if offered within a period (to be fixed by the presiding officer) of not more than three days following the completion of the testimony, for which purpose the record shall be kept open for such additional period. The presiding officer shall have authority to act upon such suggested corrections.*

Issuance of Order

§ 2.712 *Proposed order.* The Secretary, within a reasonable time after the filing of the record of the hearing, will issue his proposed order, which shall be served upon the interested persons whose appearances were entered at the hearing by publication in the FEDERAL REGISTER or by mailing a copy of the proposed order to each of such persons by registered mail: *Provided, however,* That if, after examination of the record of the hearing, the Secretary finds that no controversy with respect to the subject of the hearing exists between the persons who appeared thereat, and that such action will promote the purposes of the Act, the Secretary will issue a final order in lieu of issuing a proposed order in accordance with this section.*

§ 2.713 *Exceptions.* Within a reasonable time, which shall be specified in the proposed order but shall not exceed 20 days from the time of the issuance of such order, any interested person whose appearance was filed at the hearing may file exceptions to the proposed order. The exceptions shall point out with particularity the alleged errors in said proposed order, and shall contain a specific reference to the page of the transcript of the testimony or to the exhibit on which each exception is based. Such exceptions may be accompanied by a memorandum brief in support thereof.*

§ 2.714 *Final order.* The Secretary thereafter will issue his final order. A duplicate original thereof shall thereupon be filed with the Archivist of the United States and published in the FEDERAL REGISTER. A duplicate original thereof shall also be filed with the Hearing Clerk for public inspection.*

Public Notice of Foregoing Regulations

§ 2.715 *Public notice of foregoing regulations.* Public notice of the issuance of the foregoing rules of practice for hearings shall be given by publishing the same in the FEDERAL REGISTER.*

This order supersedes the order of January 12, 1939 (4 F.R. 223), as amended by the order of July 21, 1939 (4 F.R. 3401).

Done at Washington, D. C., this the 25th day of June 1940. Witness my hand

and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2591; Filed, June 25, 1940; 11:14 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—COUNCIL OF NATIONAL DEFENSE

NOMINATIONS TO ADVISORY COMMISSION

We, the undersigned, acting as the Council of National Defense do hereby nominate to the President of the United States of America the following persons to act as the Advisory Commission, provided for in Section 2 of Chapter 418 of the Law of August 28, 1916 (39 Stat. 649), each of whom in the opinion of the Council of National Defense has special knowledge of some industry, public utility, or the development of some natural resource, or is otherwise specially qualified for the duties imposed upon the Advisory Commission:

Edward R. Stettinius, Jr.
William S. Knudsen.
Sidney Hillman.
Chester C. Davis.
Ralph Budd.
Leon Henderson.
Harriet Elliott.

We also hereby nominate William H. McReynolds to act as Secretary of the Advisory Commission.

HARRY H. WOODRING,
Secretary of War.
CHARLES EDISON,
Secretary of the Navy.
HAROLD L. ICKES,
Secretary of the Interior.
H. A. WALLACE,
Secretary of Agriculture.
HARRY L. HOPKINS,
Secretary of Commerce.
FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 40-2583; Filed, June 24, 1940; 4:25 p. m.]

EMPLOYMENT OF EXPERTS

Under authority of section 2 of the Act of August 29, 1916 (39 Stat. 649), the Council of National Defense adopts, subject to the approval of the President, the following addition to the rules and regulations heretofore adopted by the Council and approved by the President for the conduct of its work:

SECTION 4. The Secretary to the Council shall employ for the Council, under the provisions of said

Section 2 of the Act of August 29, 1916, in addition to the personnel which he is authorized to provide by Section 3 of these rules and regulations, such experts as may be necessary to the conduct of the work of the Council or to the organization of subordinate bodies for its assistance.

HARRY H. WOODRING,
Secretary of War.
CHARLES EDISON,
Secretary of the Navy.
HAROLD L. ICKES,
Secretary of the Interior.
H. A. WALLACE,
Secretary of Agriculture.
HARRY L. HOPKINS,
Secretary of Commerce.
FRANCES PERKINS,
Secretary of Labor.

Approved:

FRANKLIN D. ROOSEVELT
The White House, June 6, 1940.

[F. R. Doc. 40-2584; Filed, June 24, 1940;
4:25 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

SUBPART A—RULES GOVERNING STANDARD BROADCAST STATIONS

Sections 3.1-3.86 appear at 4 F.R. 2714, as amended 4 F.R. 4926, 5 F.R. 425, 5 F.R. 1067, 5 F.R. 1449, 5 F.R. 1629, 5 F.R. 2151.

CONTENTS

SUBPART B—RULES GOVERNING HIGH FREQUENCY BROADCAST STATIONS

Definitions

- Sec.
3.201 High frequency broadcast station.
3.202 High frequency broadcast band.
3.203 Frequency modulation.
3.204 Center frequency.
3.205 High frequency broadcast channel.
3.206 Service area.
3.207 Antenna field gain.
3.208 Free space field intensity.
3.209 Frequency swing.
3.210 Multiplex transmission.
3.211 Percentage modulation.
3.212 Experimental period.
3.213 Main studio.

Allocation of Facilities

- 3.221 Basis of licensing high frequency broadcast stations.
3.222 Area served.
3.223 Time of operation.
3.224 Showing required.
3.225 Channel assignments.
3.226 Facsimile broadcasting and multiplex transmission.
3.227 Proof of performance required.
3.228 Multiple ownership.
3.229 Normal license period.

Equipment

- 3.241 Maximum power rating.
3.242 Maximum rated carrier power; how determined.
3.243 Frequency monitor.
3.244 Modulation monitor.
3.245 Required transmitter performance.
3.246 Indicating instruments.

Sec.

- 3.247 Auxiliary and duplicate transmitters.
3.248 Changes in equipment and antenna system.

Technical Operation

- 3.251 Operating power; how determined.
3.252 Modulation.
3.253 Frequency tolerance.

Operation

- 3.261 Minimum operating schedule; service.

SUBPART C—GENERAL RULES APPLICABLE TO BOTH STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

- 3.401 Station license; posting of.
3.402 Licensed operator required.
3.403 Licensed operator; other duties.
3.404 Logs.
3.405 Logs; retention of.
3.406 Station identification.
3.407 Mechanical records.
3.408 Rebroadcast.

Broadcasts by Candidates for Public Office

- 3.421 General requirements.
3.422 Definitions.
3.423 Rates and practices.
3.424 Records; inspection.

SUBPART D—RULES GOVERNING HIGH FREQUENCY BROADCAST STATIONS

Definitions¹

§ 3.201 *High frequency broadcast station.* The term "high frequency broadcast station" means a station licensed primarily for the transmission of radio-telephone emissions intended to be received by the general public and operated on a channel in the high frequency broadcast² band.*†

§ 3.202 *High frequency broadcast band.* The term "high frequency broadcast band" means the band of frequencies extending from 43000 to 50000 kilocycles, both inclusive.*†

§ 3.203 *Frequency modulation.* The term "frequency modulation" means a system of modulation of a radio signal in which the frequency of the carrier wave is varied in accordance with the signal to be transmitted while the amplitude of the carrier remains constant.*†

§ 3.204 *Center frequency.* The term "center frequency" means the frequency of the carrier wave with no modulation. (With modulation the instantaneous operating frequency swings above and below the center frequency. The operating frequency with no modulation shall be the center frequency within the frequency tolerance).*†

§ 3.205 *High frequency broadcast channel.* The term "high frequency broadcast channel" means a band of frequencies 200 kilocycles wide and is

¹ Other definitions which may pertain to high frequency broadcast stations are included in §§ 2.1 to 2.35 and §§ 3.1 to 3.16, and the Communications Act of 1934, as amended.

² See § 3.226 concerning multiplexing, aural and facsimile programs.

³ High frequency broadcast stations must use frequency modulation exclusively in accordance with § 3.228 (d).

*Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f).

†Adopted by the FCC, June 21, 1940, effective immediately.

designated by its center frequency. Channels for high frequency broadcast stations begin at 43100 kilocycles and continue in successive steps of 200 kilocycles to and including the frequency 49900 kilocycles.*†

§ 3.206 *Service area.* The term "service area" of a high frequency broadcast station means the area in which the signal is not subject to objectionable interference or objectionable fading. (High frequency broadcast stations are considered to have only one service area; for determination of such area see *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.) *†

§ 3.207 *Antenna field gain.* The term "antenna field gain" of a high frequency broadcast antenna means the ratio of the effective free space field intensity produced at one mile in the horizontal plane expressed in millivolts per meter for 1 kilowatt antenna input power to 137.6.*†

§ 3.208 *Free space field intensity.* The term "free space field intensity" means the field intensity that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.*†

§ 3.209 *Frequency swing.* The term "frequency swing" is used only with respect to frequency modulation and means the instantaneous departure of the carrier frequency from the center frequency resulting from modulation.*†

§ 3.210 *Multiplex transmission.* The term "multiplex transmission" means the simultaneous transmission of two or more signals by means of a common carrier wave. (Multiplex transmission as applied to high frequency broadcast stations means the transmission of facsimile or other aural signals in addition to the regular broadcast signals.) *†

§ 3.211 *Percentage modulation.* The term "percentage modulation" with respect to frequency modulation means the ratio of the actual frequency swing to the frequency swing required for 100 percent modulation expressed in percentage. (For high frequency broadcast stations, a frequency swing of 75 kilocycles is standard for 100 percent modulation.) *†

§ 3.212 *Experimental period.* The term "experimental period" means that period of time between 12 midnight and sunrise. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any high frequency broadcast station, on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period.*†

§ 3.213 *Main studio.* The term "main studio" means, as to any station, the studio from which the majority of its local programs originate, and/or from which a majority of its station an-

nouncements are made of programs originating at remote points.*†

Allocation of Facilities*

§ 3.221 *Basis of licensing high frequency broadcast stations.* High frequency broadcast stations shall be licensed to serve a specified area in square miles. The contour bounding the service area and the radii of the contour shall be determined in accordance with the *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.*†

§ 3.222 *Area served.* (a) High frequency broadcast stations shall be licensed to serve areas having characteristics falling within the provisions of subparagraphs (a), (b) or (c) of § 3.225 hereof. The Commission, in considering applications for high frequency broadcast stations, will establish service areas.

(b) Where a service area has been established in which one or more existing high frequency broadcast stations are in operation, the contours of any new station proposed to serve such area shall compare with those of the existing station or stations as nearly as possible.*†

§ 3.223. *Time of operation.* All high frequency broadcast stations shall be licensed for unlimited time operation.*†

§ 3.224 *Showing required.* Authorization for a new high frequency broadcast station or increase in facilities of an existing station* will be issued only after a satisfactory showing has been made in regard to the following matters:

(a) That the area and population which the applicant proposes to serve has the characteristics of an area described in subparagraphs (a), (b), or (c) of § 3.225 hereof. The application shall be accompanied by a full analysis of the basis upon which the area as set forth in the application was determined. No application for construction permit for a new station or change of service area will be accepted unless a definite site, full details of the proposed antenna, and a suitable map showing the expected service area are furnished with the application. (See *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.)

(b) Where a service area has been established in which one or more existing high frequency broadcast stations are in operation, that the contours of any new station proposed to serve such area will compare with those of the existing station or stations as nearly as possible, or that the service area already established should be modified.

(c) That objectionable interference will not be caused to existing stations or that if interference will be caused the

need for the proposed service outweighs the need for the service which will be lost by reason of such interference.

(d) That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.)

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations herein and *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.)

(f) That there is a need for the proposed program service in the area to be served.

(g) That the applicant is financially qualified to construct and operate the proposed station; and, if the proposed station is to serve substantially the same area as an existing station, that applicant will be able to compete effectively with the existing station or stations.

(h) That the program service will include a portion of programs particularly adapted to a service utilizing the full fidelity capability of the system, as set forth in the *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.

(i) That the proposed assignment will tend to effect a fair, efficient, and equitable distribution of radio service among the several states and communities.

(j) That the applicant is legally qualified, is of good character, and possesses other qualifications sufficient to provide a satisfactory public service.

(k) That the facilities sought are subject to assignment as requested under existing international agreements and the Rules and Regulations of the Commission.

(l) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.*†

§ 3.225 *Channel assignments.* The channels set forth below with the indicated center frequencies are available for high frequency broadcast stations:

(a) (1) Applicants for licenses to serve cities or towns having a total population of less than 25,000 (approximate) (exclusive of adjacent rural areas) shall apply for one of the following channel assignments:

48900	49500
49100	49700
49300	49900

(2) The application shall specify a service area which shall not exceed 500 square miles, except where a definite need for a greater area is shown and no objectionable interference will result.

(b) (1) Applicants for licenses to serve populations of 25,000 (approximate) or

more within areas comprising less than 3,000 square miles shall apply for one of the following channel assignments:

44500	46700
44700	46900
44900	47100
45100	47300
45300	47500
45500	47700
45700	47900
45900	48100
46100	48300
46300	48500
46500	48700

(2) The applications shall specify a service area which shall comprise (i) either a metropolitan district, (ii) a city, (iii) an area which may comprise one or more towns or communities or subdivisions of cities or metropolitan districts having such common cultural, economic, geographical, or other characteristics as to justify service to the area as a unit.

(c) (1) Applicants for licenses to serve areas in excess of 3,000 square miles shall apply for one of the following channel assignments:

43100	43900
43300	44100
43500	44300
43700	

(2) The application shall specify a service area comprising two or more large cities or metropolitan districts and a large adjacent rural area; or, in exceptional cases, one city or metropolitan district and a large adjacent rural area.

(d) High frequency broadcast stations shall use frequency modulation exclusively.

(e) Stations serving all or a substantial part of the same area will not be assigned adjacent channels.

(f) One channel only will be assigned to a station.*†

§ 3.226 *Facsimile broadcasting and multiplex transmission.* The Commission may grant authority to a high frequency broadcast station for the multiplex transmission of facsimile and aural broadcast programs provided the facsimile transmission is incidental to the aural broadcast and does not either reduce the quality of or the frequency swing required for the transmission of the aural program. The frequency swing for the modulation of the aural program should be maintained at 75 kc. and the facsimile signal added thereto. No transmission outside the authorized band of 200 kc. shall result from such multiplex operation nor shall interference be caused to other stations operating on adjacent channels. The transmission of multiplex signals may also be authorized on an experimental basis in accordance with § 3.32, Subpart A.*†

§ 3.227 *Proof of performance required.* Within one year of the date of first regular operation of a high frequency broadcast station, continuous field intensity records along several radials shall be submitted to the Commis-

*The rules relating to allocation of facilities are intended primarily for the information of applicants. Nothing contained in said rules shall be regarded as any recognition of any legal right on behalf of any person to a grant or denial of any application.

†Special authorizations which do not involve experimental authorization may be granted pursuant to § 1.365.

sion which will establish the actual field contours, and from which operating constants required to deliver service to the area specified in the license are determined. The Commission may grant extensions of time upon showing of reasonable need therefor.*†

§ 3.228 *Multiple ownership.* (a) No person (including all persons under common control)* shall, directly or indirectly, own, operate, or control more than one high frequency broadcast station that would serve substantially the same service area as another high frequency broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one high frequency broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among high frequency broadcast stations or provide a high frequency broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of high frequency broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity: *Provided, however,* That the Commission will consider the ownership, operation, or control of more than six high frequency broadcast stations to constitute the concentration of control of high frequency broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.*†

§ 3.229 *Normal license period.* All high frequency broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time, and will be issued for a normal license period of one year, expiring as follows:

(a) For stations operating on the frequencies 48900, 49100, 49300, 49500, 49700, and 49900, April 1.

(b) For stations operating on the frequencies 44500, 44700, 44900, 45100, 45300, 45500, 45700, 45900, 46100, 46300, and 46500, May 1.

(c) For stations operating on the frequencies 46700, 46900, 47100, 47300, 47500, 47700, 47900, 48100, 48300, 48500, and 48700, June 1.

(d) For stations operating on the frequencies 43100, 43300, 43500, 43700, 43900, 44100, and 44300, July 1.*†

Equipment

§ 3.241 *Maximum power rating.* The Commission will not authorize the installation of a transmitter having a maximum rated power more than twice the operating power of the station.*†

§ 3.242 *Maximum rated carrier power; how determined.* (a) The maximum rated carrier power of a standard

transmitter shall be determined by the manufacturer's rating of the equipment.

(b) The maximum rated carrier power of a composite transmitter shall be determined by the sum of the applicable commercial ratings of the vacuum tubes employed in the last radio stage.*†

§ 3.243 *Frequency monitor.* The licensee of each high frequency broadcast station shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. It shall have a stability of 20 parts per million. For detailed requirements thereof see *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.*†

§ 3.244 *Modulation monitor.* The licensee of each high frequency broadcast station shall have in operation at the transmitter an approved modulation monitor. For detailed requirements thereof see *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.*†

§ 3.245 *Required transmitter performance.* (a) The external performance of high frequency broadcast transmitters shall be within the minimum requirements prescribed by the Commission contained in the *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.

(b) The transmitter center frequency shall be controlled directly by automatic means which do not depend on inductances and capacities for inherent stability.

(c) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of article 810 of the current National Electrical Code as approved by the American Standards Association.*†

§ 3.246 *Indicating instruments.* The direct plate circuit current and voltage shall be measured by instruments having an acceptable accuracy. (See *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.)*†

§ 3.247 *Auxiliary and duplicate transmitters.* See §§ 3.63 and 3.64 for provisions governing the use of auxiliary and duplicate transmitters at high frequency broadcast stations.*†

§ 3.248 *Changes in equipment and antenna system.* Licensees of high frequency broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

1. That would result in the emission of signals outside of the authorized channel.

2. That would result in the external performances of the transmitter being in disagreement with that prescribed in the *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.

(b) Specific authority, upon filing formal application* therefor, is required for a change in service area or for any of the following changes:

1. Changes involving an increase in the maximum power rating of the transmitter.

2. A replacement of the transmitter as a whole.

3. Change in the location of the transmitter antenna.

4. Change in antenna system, including transmission line, which would result in a measurable change in service or which would affect the determination of the operating power by the direct method. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method.

5. Change in location of main studio to outside of the borders of the city, state, district, territory, or possession.

6. Change in the power delivered to the antenna.

(c) Specific authority, upon filing informal request therefor, is required for the following change in equipment and antenna:

1. Change in the indicating instruments installed to measure the antenna current or transmission line, direct plate circuit voltage and the direct current of the last radio stage, except by instruments of the same type, maximum scale reading and accuracy.

2. Minor changes in the antenna system and/or transmission line which would not result in an increase of service area.

3. Changes in the location of the main studio except as provided for in subparagraph (b) 5.

(d) Other changes, except as above provided for in this section or in *Standards of Good Engineering Practice for High Frequency Broadcast Stations* prescribed by the Commission may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof, and such changes shall be shown in the next application for renewal of license.*†

Technical Operation

§ 3.251 *Operating power; how determined.* The operating power, and the requirements for maintenance thereof, of each high frequency broadcast station shall be determined by the *Standards of Good Engineering Practice for High Frequency Broadcast Stations*.*†

§ 3.252 *Modulation.* (a) The percentage of modulation of all stations shall be maintained as high as possible consistent

* The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

* See *Standards of Good Engineering Practice for High Frequency Broadcast Stations* for specific application form required.

with good quality of transmission and good broadcast practice and in no case less than 85 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.*†

§ 3.253 *Frequency tolerance.* The operating frequency without modulation of each broadcast station shall be maintained within 2000 cycles of the assigned center frequency.*†

Operation

§ 3.261 *Minimum operating schedule; service.* (a) Except Sundays, the licensee of each high frequency broadcast station shall maintain a regular daily operating schedule which shall consist of at least three hours of operation during the period 6 a. m. to 6 p. m., local standard time and three hours of operation during the period 6 p. m. to midnight, local standard time. In an emergency, however, when due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period not to exceed ten days, provided that the Commission and the Inspector in Charge of the radio district in which the station is located* shall be notified in writing immediately after the emergency develops.

(b) Such stations shall devote a minimum of one hour each day during the period 6 a. m. to 6 p. m., and one hour each day during the period 6 p. m. to midnight, to programs not duplicated simultaneously as primary service in the same area by any standard broadcast station or by any high frequency broadcast station. During said one hour periods, a service utilizing the full fidelity capability of the system, as set forth in the *Standards of Good Engineering Practice for High Frequency Broadcast Stations*, shall be rendered. However, the Commission may, upon request accompanied by a showing of reasons therefor, grant exemption from the foregoing requirements, in whole or in part, for periods not in excess of three months.

(c) In addition to the foregoing minimum requirements, the Commission will consider, in determining whether public interest, convenience, and necessity has been or will be served by the operation of the station, the extent to which the station has made or will make use of the facility to develop a distinct and separate service from that otherwise available in the service area.*†

SUBPART C—GENERAL RULES APPLICABLE TO BOTH STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

§ 3.401 *Station license; posting of.* The station license and any other instrument of authorization or individual order concerning construction of the equip-

ment or the manner of operation of the station shall be posted in a conspicuous place in the room in which the transmitter is located in such manner that all terms thereof are visible and the license of the station operator shall be posted in the same manner. (See §§ 2.51 and 2.52.)*†

§ 3.402 *Licensed operator required.* The licensee of each station shall have a licensed operator or operators of the grade specified by the Commission on duty during all periods of actual operation of the transmitter at the place where the transmitting equipment is located. (See § 2.53.)*†

§ 3.403 *Licensed operator; other duties.* The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such other stations; *Provided, however,* That such duties shall in no wise interfere with the proper operation of the standard broadcast transmitter.*†

§ 3.404 *Logs.* The licensee of each broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log.

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(b) In the operating log.

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Antenna current.

(iii) Frequency monitor reading.

(iv) Temperature of crystal control chamber if thermometer is used.

(5) Log of experimental operation during experimental period. (If regular operation is maintained during this period, the above logs shall be kept.)

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.*†

§ 3.405 *Logs; retention of.* Logs of standard broadcast stations shall be retained by the licensee for a period of 2 years, except when required to be retained for a longer period in accordance with the provisions of § 2.54.*†

§ 3.406 *Station identification.* (a) A licensee of a standard broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation on the hour and half hour as provided below:

(b) Such identification announcement during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of such program.

(c) In case of variety-show programs, baseball game broadcasts, or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and half hour.

(d) In case of all other programs (except as provided in paragraphs (b) and (c) of this section) the identification announcement shall be made within 2 minutes of the hour and half hour.

(e) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby.*†

§ 3.407 *Mechanical records.* Each broadcast program consisting of a mechanical record or a series of mechanical records shall be announced in the manner and to the extent set out below:

(a) A mechanical record or a series thereof, of longer duration than 30 minutes, shall be identified by appropriate announcement at the beginning of the program, at each 30 minute interval, and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30 minute interval is not required in case of a mechanical record consisting of a single, continuous, uninterrupted speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes.

(b) A mechanical record, or a series thereof, of a longer duration than 5 minutes, and not in excess of 30 minutes, shall be identified by an appropriate announcement at the beginning and end of the program;

* See Appendix No. 3, Part 1.

(c) A single mechanical record of a duration not in excess of 5 minutes shall be identified by appropriate announcement immediately preceding the use thereof;

(d) In case a mechanical record is used for background music, sound effects, station identification, program identification (theme music of short duration), or identification of the sponsorship of the program proper, no announcement of the mechanical record is required.

(e) The identifying announcement shall accurately describe the type of mechanical record used, i. e., where an electrical transcription is used it shall be announced as a "transcription" or an "electrical transcription", or as "transcribed" or "electrically transcribed", and where a phonograph record is used it shall be announced as a "record".*†

§ 3.408 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program* of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.¹²

(b) The licensee of a standard or high frequency broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard or high frequency broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.¹³

(c) The licensee of a standard or high frequency broadcast station may, without further authority of the Commission, rebroadcast on a non-commercial basis a non-commercial program of an international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.

(d) No licensee of a standard broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the

licensee of the station originating the program.¹⁴

(e) In case of a program rebroadcast by several standard broadcast stations, such as a chain rebroadcast, the person legally responsible for distributing the program or the network facilities may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of the station originating the program.

Attention is directed to section 325 (b) of the Communications Act of 1934, which reads as follows:

No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there, having a power output of sufficient intensity, and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.¹⁴†

Broadcasts By Candidates for Public Office

§ 3.421 *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities it shall afford equal opportunities to all other such candidates for that office to use such facilities, provided that such licensee shall have no power of censorship over the material broadcast by any such candidate.*†

§ 3.422 *Definitions.* The following definitions shall apply for the purposes of § 3.421:

(a) "A legally qualified candidate" means any person who has met all the requirements prescribed by local, state, or federal authority as a candidate for the office which he seeks, whether it be municipal, county, state, or national, to be determined according to the applicable local laws.

(b) "Other candidates for that office" means all other legally qualified candidates for the same public office.*†

§ 3.423 *Rates and practices.* The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make

¹² The broadcasting of a program relayed by a relay broadcast station (§ 4.21) is not considered a rebroadcast.

¹³ Informal application may be employed.

¹⁴ Formal application required. See "Standards of Good Engineering Practice" for form number.

any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.*†

§ 3.424 *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.*†

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2593; Filed, June 25, 1940;
11:53 a. m.]

PART 3—RULES GOVERNING STANDARD BROADCAST STATIONS SECTIONS REPEALED

The Commission on June 21, 1940, repealed §§ 3.87-3.104, inclusive, effective immediately.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-2594; Filed, June 25, 1940;
11:53 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Federal Surplus Commodities Corporation.

DESIGNATION OF AREAS UNDER COTTON STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which cotton order stamps may be used:

The area within the county limits of Ramsey County, Minnesota.

The area within the city limits of Minneapolis, Minnesota, and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation. The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

The effective dates for the above-mentioned areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

PHILIP F. MAGUIRE,
Executive Vice President.

JUNE 22, 1940.

[F. R. Doc. 40-2589; Filed, June 25, 1940;
11:14 a. m.]

* As used in § 3.408, program includes any complete program or part thereof, or any signals if other than A-3 emission.

† In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

‡ The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license or at the beginning of such rebroadcast practice if begun during a license period.